

Remarks/Arguments

This paper is submitted responsive to the Office Action mailed April 16, 2006. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner rejected claim 6 under 35 USC 112, second paragraph, as lacking positive antecedent basis for feeding water to the second conduit means. This claim has been amended to respond to the Examiner's concerns and is submitted to be in proper form under 35 USC 112.

The Examiner rejected the claims over two primary references, namely, JP 59-213940 to Hirota (hereafter "Hirota") and JP 62-283567 to Takeu (hereafter "Takeu"). It is submitted that the claims as amended patentably define over the art of record.

Claim 1 has been amended to recite the additional subject matter of dependent claim 3 drawn to the control means. This subject matter has been held by the Examiner to be anticipated by Hirota because Hirota discloses a pump 16, and because pump 16 is inherently controllable. Reconsideration of this rejection as it applies to claim 1 as amended is respectfully requested. Specifically, the fact that a pump can be controlled by a control member does not equate to a teaching or suggestion to do so. Hirota fails to disclose or suggest the control means of claim 1 as amended. Rather, Hirota teaches only a pump, with no control aspect being disclosed or suggested by the figures and the English language Abstract. Clearly the pump of Hirota does not require a control member such as that called for by claim 1, and thus such a control member cannot be considered to inherently be part of the pump. Hirota does not anticipate claim 1 as amended.

Turning to Takeu, this patent also fails to anticipate current claim 1. Takeu teaches introduction of a stream of steam into a conduit of a fuel cell system, and thus Takeu is drawn to a very different type of mechanism, similar in fact to that discussed in the background section of the present application. Takeu deals with steam and not the liquid phase water of the present invention. Thus, Takeu clearly does not anticipate claim 1.

Independent claim 6 calls for the water feed means to feed water to both first and second conduits, and for the apparatus to include a selective oxidizer, and for the selective oxidizer to be downstream of the location of water feed. The Examiner rejected this subject matter as obvious based upon either Hirota or Takeu combined with US 4046956 to Fanciullo. The Examiner found that Hirota and Takeu lacked the teaching of any selective oxidizer, but that Fanciullo teaches selective oxidizers generally.

It is submitted that the general teachings of Hirota or Takeu combined with Fanciullo do not at all arrive at the specific location of the water injection point with respect to the selective oxidizer as required in claim 6, and that none of the other art of record discloses or suggests this subject matter.

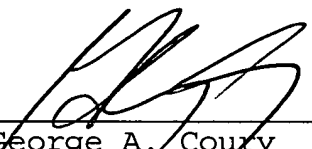
Claim 17 calls for subject matter which is similar in content to that discussed regarding claim 6 above. Specifically, claim 17 calls for at least one selective oxidizer and for the water feed means to feed water upstream of the selective oxidizer. This specific location of feeding of water by the water feed means is not at all taught in the art of record. The fact that selective oxidizers are known does not supply to a person of ordinary skill in the art the position of

the water feed. Thus, claim 17 is also submitted to be allowable over the art of record.

Dependent claims 2, 4-5, and 7-11 all depend directly or indirectly from claim 1 discussed above, and are submitted to be allowable based upon the comments supporting claim 1, and also in their own right.

This paper is accompanied by a request for three (3) month extension of time and an authorization to charge the fee for the extension to a Deposit Account. It is believed that no additional fee is due. However, if any fee is due, please charge same to Deposit Account No. 02-0184.

Respectfully submitted,
UTC Fuel Cells, L.L.C.

By 
George A. Coury
BACHMAN & LAPOINTE, P.C.
Reg. No. 34,309
Attorney for Applicant

Tel: 203-777-6628, Ext. 113
Fax: 203-865-0297
Email: docket@bachlap.com

I, George A. Coury, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on October 16, 2006


George A. Coury